

## REMARKS

Applicants respectfully request reconsideration of this application as amended.

Claims 1-57 are pending. Claims 1, 3, 12-13, 17-18, 28, 32, 37, 39-41, 44, and 54 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

### Rejections Under 35 U.S.C. 102(b)

Claims 1-3, 14, 32-33, and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,832,067, of Herold (“Herold”).

Applicants respectfully submit that the Herold reference does not teach each and every element as claimed. Specifically, the Herold reference does not teach “an audio playback system comprising: an audio content server, said audio server includes pre-selected audio content for playback; and a device, the device to call said audio server to request and receive an audio playback of the selected audio content at a scheduled time.”

Rather, the Herold reference discloses an integrated telephone-alarm clock apparatus 20 connectable via a telephone line 22 to a server 24. The server 24 could be a digital computer or any type of device capable of receiving information from the telephone line 22 and selecting a message (which could include an analog signal, digital data, or both) from a plurality of messages, based upon information transmitted to it. *The apparatus 20 transmits selected information to the server 24, which selects a message based on the selected information and then transmits the message to the apparatus 20.* The integrated telephone-alarm clock apparatus 20 comprises a telephone handset 30 and an alarm clock 42 having a clock display 32 (which could be part of either a digital alarm clock, an analog alarm clock, or a display directly coupled to a digital time-keeping device). The apparatus 20 also comprises a speaker 34, which

presents to the user a selected message received from the server 24 (see column 3, lines 8-24, emphasis added).

The Herold reference does not teach, the “audio content server includes pre-selected audio content for playback.” The Herold reference teaches that a user must *select a message to be presented upon activation of the alarm signal by adjusting a message selection switch 36* (see col. 3, lines 42-44). This is not the same as having an audio playback system where the audio content to be played is selected prior to playback of the select audio content at a schedule time. Having the audio content pre-selected on the audio content server, as claimed, allows the device to have minimal mechanical controls/switches to lower the cost of the device. The device, as taught in the Herold reference, must be constructed with the message selection switch 36 to operate, and hence increase, the cost of the overall device. Furthermore, having the audio content on the audio content server allows a user to select the audio content from a remote location, hence, not having to have direct contact with the device to select the audio content.

Accordingly, the Applicants respectfully submit that claim 1 is not anticipated by the Herold reference because it does not disclose each and every element as claimed under 35 U.S.C. § 102(b), and respectfully request the rejection to the claim be withdrawn. Applicants submit claim 32 includes features similar to those recited above for claim 1 and, therefore, respectfully request the rejection to claim 32 be withdrawn. Claims 2, 3, 14, 33, and 42 are dependent on one of claims 1 and 32. Therefore, Applicants respectfully request the rejections to these claims be withdrawn.

#### **Rejections Under 35 U.S.C. § 103(a)**

Claims 4 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herold in view of U.S. Patent No. 5,909,487 of Mainker (“Mainker”).

As articulated above, claim 1 is patentable over Herold. The Mainker reference fails to cure the underlying deficiencies of Herold, including the failure to teach a system that provides the pre-selected audio content on the audio server discussed above. Hence, claim 1 is patentable over this combination of references. Applicants submit that claim 32 includes features similar to those recited above for claim 1 and, therefore, respectfully request the rejection to claim 32 be withdrawn. Claims 4 and 38 are dependent on one of claims 1 and 32. Therefore, Applicants respectfully request the rejections to these claims be withdrawn.

Claims 5-13, 15-31, and 44-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herold in view of Mainker and further in view of U.S. Patent No. 6,229,430 B1 of Smith Dewey ("Smith Dewey").

As articulated above, claim 1 is patentable over Herold and Mainker. The Smith Dewey reference fails to cure the underlying deficiencies of Herold, including the failure to teach a system that provides the pre-selected audio content on the audio server discussed above. Hence, Claim 1 is patentable over this combination of references. Claims 5-13 and 15-17 are dependent, directly or indirectly, on claim 1. Therefore, Applicants respectfully request the rejections to these claims be withdrawn.

Furthermore, regarding claim 5, the Applicants submit that the combination of references does not teach or suggest "a registration server, said registration server includes a set of one or more phone numbers of said audio content server, said device to call said registration server to receive one of said phone numbers of said audio content server, said audio content server to store said one of said phone numbers of said audio content server in a memory of said device," as claimed. Rather, the Mainker reference teaches "an application module associated with a telecommunication exchange serving a particular subscriber stores a directory number representing a called party subscriber and time data representing the time a call connection

between the subscriber and the called party subscriber should be established” (see Mainker, Abstract). The Smith Dewey reference teaches an alert system comprising an input for setting alarm conditions, and an interface for coupling to a communications network to obtain alarm data from a data source (see Smith Dewey Abstract). However, the combination of references does not teach or suggest a registration server that includes a set of one or more phone numbers of the audio content server, which a device may call to receive one of the phone numbers, as claimed. This allows the audio playback system to load balance one or more devices across one or more audio content servers. Rather, the combination of references does not disclose or suggest how the device is to receive the phone number of a remote server to call. Accordingly, the Applicants respectfully request the rejection to claim 5 be withdrawn.

Furthermore, regarding claim 9, the Applicants submit that the combination of references does not teach or suggest a “user configuration server to include a selection of audio content.” Rather, the Herold reference teaches that the selection of the audio content must be made on the device via the message selection switch 36 (see Herold column 3, lines 42-65). This is not the same as using a web browser “to access said user configuration server to select audio content to be played over said device,” as claimed. The Mainker and Smith Dewey references fail to teach or suggest that audio content may be selected from a location other than the device. Accordingly, Applicants respectfully request the rejection to claim 9 be withdrawn.

Furthermore, regarding claim 12, the Applicants submit that the combination of references does not teach or suggest “a schedule database server, said schedule database server to include subscriber calendar information, said subscriber calendar information is to be played over the device.” Rather, the Herold reference teaches sports information, weather forecast, stock quotes, news, and any other types of updateable information a user would be interested in periodically hearing, may be played in the device (see Herold column 3, lines 57-61). The Smith

Dewey reference teaches that data sources are websites, such as weather.com, traffic.com, or delta-airlines.com (see Smith Dewey column 3, lines 39-41). However, each of the sources disclosed in the combination of references are public information and do not suggest personal information, such as meeting times, reminders, anniversaries, birthdays, etc. Since the combination of references does not teach or suggest the audio playback system comprising a schedule database server, as claimed, the Applicants respectfully request the rejection to claim 12 be withdrawn.

Furthermore, regarding claim 16, the Applicants submit that the combination of references does not teach or suggest that the device includes a memory that stores one or more device settings to be received from the audio content server, as claimed. Rather, the Herold reference teaches that the device includes a plurality of control inputs that control the operation of the apparatus (see Herold column 3, lines 25-34). This is not the same as receiving device settings, such as a phone number of a audio content server, an alarm time, an update timestamp, a radio frequency, or a wake-up option, *from an audio content server*, as claimed. Neither the Mainker nor Smith Dewey cures this deficiency. Accordingly, the Applicants respectfully request the rejection to claim 16 be withdrawn.

Furthermore, regarding claim 18, the Applicants submit that the combination of references does not teach a “method to play selected audio content comprising: accessing an audio content server to select audio content to be provided via an audio playback over an audio output speaker; scheduling a time to send a request to said audio content server for said audio playback of said selected audio content; sending said request to receive said audio playback from said audio content server at said scheduled time; and playing the audio playback of the selected audio content over said audio output speaker,” as amended. Rather, the Herold reference teaches that the selection of the audio content must be made on the device via the message selection

switch 36 (see Herold column 3, lines 42-65). This is not the same as “accessing an audio content server to select audio content to be provided via an audio playback over an audio output speaker,” as claimed. Accordingly, the Applicants respectfully request the rejection to this claim be withdrawn. Claim 44 includes similar limitations as disclosed in claim 18. Therefore, Applicants respectfully request the rejection to this claim be withdrawn. Claims 19-31 and 45-57 are dependent, directly or indirectly, on one of the claims 18 or 44. Therefore, Applicants respectfully request the rejections to claims 19-31 and 45-57 be withdrawn.


## CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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